

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1606

ASHA HASSEN,

Petitioner,

versus

JOHN D. ASHCROFT,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A79-473-551)

Submitted: December 8, 2004

Decided: January 3, 2005

Before WILKINSON and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Richard S. Bromberg, LAW OFFICES OF RICHARD S. BROMBERG, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Allen W. Hausman, Senior Litigation Counsel, Thomas K. Ragland, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Asha Hassen, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the immigration judge's denial of her application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

We will reverse the Board only if the evidence "was so compelling that no reasonable fact finder could fail to find the requisite fear of persecution.'" Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002) (quoting INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992)). We have reviewed the administrative record, the immigration judge's decision, and the Board's order and find substantial evidence supports the conclusion that Hassen failed to establish the past persecution or well-founded fear of future persecution necessary to establish eligibility for asylum. See 8 C.F.R. § 1208.13(a) (2004) (stating that the burden of proof is on the alien to establish eligibility for asylum); Elias-Zacarias, 502 U.S. at 483 (same).

Next, we uphold the Board's denial of Hassen's application for withholding of removal. The standard for withholding of removal is "more stringent than that for asylum eligibility." Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). An applicant for withholding must demonstrate a clear probability of persecution. INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). As

Hassen failed to establish refugee status, she cannot satisfy the higher standard necessary for withholding.

Furthermore, we conclude substantial evidence supports the determination that Hassen did not establish it was more likely than not that she would be tortured if removed to Ethiopia, see 8 C.F.R. § 1208.16(c)(2) (2004), and thus, that Hassen's petition for protection under the CAT was properly denied.

Accordingly, we deny Hassen's petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED